IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6923 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SOLANKI PRADEEPKUMAR RATILAL

Versus

BHAVNAGAR DISTRICT PANCHAYAT

Appearance:

1. Special Civil Application No. 6923 of 1999

MR KETAN A DAVE for Petitioner No. 1

MR MENGDEY, AGP for Respondent No. 1

MR HS MUNSHAW for Respondent No. 2

RULE SERVED for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 17/12/2003

ORAL JUDGEMENT

Heard learned advocate Mr. Ketan A Dave for

petitioner and learned AGP Mr. Mengdey appearing on behalf of respondent No.1.

2. When the matter has been taken up for hearing, learned AGP Mr. Mengdey placed on record xerox copies of two letters dated 2.12.2003 from Director of Primary Education whereby the petitioner has been appointed as Education Inspector in Bhavnagar. The appointment order is already communicated to the petitioner. In view of the two letters dated 2.12.2003 addressed to the learned AGP and District Primary Education, Bhavnagar by the Director of Primary Education, the respondent has already issued appointment order in favour of the petitioner on the post of Education Inspector. In view of the said letters learned advocate Mr. Ketan Dave has submitted that the petitioner was selected in the year 1998 but appointment has been denied to the petitioner about more than five years and other persons have been appointed on the post of Education Inspector. Now the mistake or error has been rectified by the respondent. Therefore, he submitted that the petitioner will make necessary representation to the respondent about his grievance to give him notional benefit and seniority from the date on which the juniors to the petitioners have been appointed and other grievance and some direction may be issued to the respondent so that they may examine the representation of the petitioner and pass appropriate order in accordance with law. In view of his submission it is open for the petitioner that after accepting the appointment order which has been issued by the respondent, petitioner will make necessary representation to the respondent about his grievance for notional benefit and seniority. As and when the respondents will receive the representation of the petitioner it is directed to the respondents to consider and examine the grievance of the petitioner on the basis of record and pass appropriate reasoned order in accordance with law within a period of three months from the date of receiving the representation from the petitioner.

3. In view of the above observations and directions, present petition is disposed of. Rule is discharged.

4. Xerox copies of two letters dated 2.12.2003 are taken on record.

(H.K.Rathod,J)

Jayanti*